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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,809	07/23/1999	RICHARD LEVY	01064.0011-0	3299

7590 09/10/2004

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EXAMINER

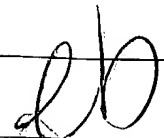
TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/359,809	LEVY, RICHARD	
	Examiner	Art Unit	
	Cephia D. Toomer	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 14 and 17, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 76,77 and 80-85 is/are allowed.
- 6) ☒ Claim(s) 73-75,78,79 and 86-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the amendment filed June 14 and June 17, 2004.

The rejection of the claims under 35 USC 112, second paragraph is withdrawn in view of Applicant canceling the claims in question.

The double patenting rejection is withdrawn in view of Applicant filing a terminal disclaimer.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 73-75, 78-79 and 86-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (US 5,218,011) in view of Le-Khac (US 4,616,063).

Freeman teaches a gel composition comprising a gel matrix, a thickener (metal stearate soaps) and a water absorbent anionic polymer (see abstract). The gel matrix may be silicones, petroleum gels, high viscosity esters (fatty oils), glycols, olefins, mineral oils and fluorocarbons (see col. 7, lines 19-39). The water absorbent polymers include polyacrylic, maleic acids, acrylates, acrylamide and acrylonitrile (see col. 5, lines 55-68); col. 6, lines 1-29). The gel may contain a surfactant (see col. 7, lines 45-68). The gel composition also contains a rust inhibitor (see col. 9, lines 26-35). In Example 22, Freeman teaches a composition comprising white oil (petroleum oil), micro-

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crystalline wax and a water absorbent polymer that is of the type described in Le-Khac (US 4,616,063). Le-Khac teaches that the polymers of his invention have a water uptake up to 16,000% (see Table , col. 6). Freeman teaches that the gel matrix should provide a fairly uniform dispersal of the anionic polymer in the gel. Hence, Freeman teaches a dispersant.

Freeman does not specifically teach that the polymers of his invention absorb greater than 100 times their weight in water. However, Le-Khac teaches that the polymer illustrated in Example 22 of Freeman more than meets this limitation. Therefore, it would be reasonable to expect that the other polymers taught in Freeman would meet the limitation regarding the amount of water the polymers are capable of absorbing.

3. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argues that Freeman fails to teach or suggest dispersions of materials for decreasing friction comprising a super-absorbent polymer and a material for decreasing friction.

The examiner respectfully disagrees. Freeman teaches a gel composition wherein a super-absorbent polymer and a material that decreases friction are combined. In order to obtain a gel, a dispersed phase and a continuous phase must be present. Therefore, since Freeman teaches a gel, Freeman meets the limitation regarding a dispersion.

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4. Claims 76-77 and 80-85 are allowable because the prior art fails to teach or suggest the inorganic compounds, carbon or metal or the combination of water and a lubricant additive as the material for decreasing friction.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

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